

Serial No. 09/763,360

Amendment Dated: August 16, 2006

Reply to Office Action Mailed: March 21, 2006

Attorney Docket No. 038819.49686US

REMARKS

Applicants acknowledge the allowance of Claims 29-33 and 35, as set forth in item 4 on page 5 of the Office Action. For the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application, including Claims 21-28 and 36 are now allowable.

Claims 21-28 and 36 have been rejected under 35 U.S.C. § 102(e) as anticipated by Mankovitz (U.S. Patent No. 5,949,492). However, as discussed in greater detail hereinafter, Applicants respectfully submit that each of the latter claims distinguishes over Mankovitz.

The present invention is directed to an acoustically activated device, which can be worn by an individual, and which displays “predefined information”, such as a predetermined message or symbol, in response to the receipt of “predefined acoustically propagated data” broadcast by a commercial broadcast source. In particular, when the device detects the receipt of such “predefined data” (for example, a combination of audible words or sounds) in the acoustically propagated sound generated from a signal broadcast by a commercial broadcast source, it displays the predetermined data. Thus, the invention provides a simple and inexpensive manner in which preset messages (such as “You have won!”, for example) can be communicated to an individual who is listening to a broadcast.

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Independent Claim 22 recites the features described above. In particular, it defines an apparatus for displaying information, which includes display means, and activation means coupled to the display means for causing the display means “to display predefined information upon reception of predefined acoustically propagated data from a signal broadcast by a commercial broadcast source”. Claim 22 further specifies that the acoustically propagated data are incorporated “in an acoustic signal onto which said acoustically propagated data have been digitally modulated”.

Accordingly, two features of the invention, as recited in the claims, which are not found in the Mankovitz reference are:

1. that the system responds to “acoustically propagated data”; and
2. that it displays “predefined information” upon reception of predefined acoustically propagated data.

The Mankovitz reference, discloses a method and apparatus by which a listener to program material, such as a song on a radio station, may obtain information (referred to as “auxiliary information”) regarding the program source (such as the title of a song or its author). For this purpose, the system includes two essential components in addition to the broadcast radio station itself: a portable radio/recorder unit 100 (Column 9, line 37) and a central station 20, which is a repository of information regarding program material broadcast by

a plurality of stations, such information being mapped into a memory by reference to so-called "SDT" data (that is, data identifying the Station, Date and Time of the broadcast which is of interest).

When a user is listening to a radio station, and wishes to obtain information about program material on that radio station, he must first enter a "request" for such information, for example, by depressing a "BROADCAST INFO" key 112 (Figure 3) as discussed in the specification at Column 11, lines 36-38. The portable radio/recorder unit 100 then records the SDT data (that is, information identifying the Station, Date and Time) and stores it. It subsequently provides this information to the central station 20, which uses it to retrieve corresponding information mapped into the system as noted previously, such as the identity of the song, its author, the artist, etc. That information is then sent to the user in any of a variety of ways, such via hard copy, stored in electronic media or sent back by a cable or broadcast telephone link. (See, for example, Column 9, lines 21-31.)

The process referred to above is described in the specification generally at Column 8, line 24 through Column 9, line 35, and somewhat more succinctly at Column 11, lines 36-50. It is noteworthy in this regard, that in order to provide information of interest, the system requires that the user intervene by submitting a "request". (See, for example, Column 8, lines 34-35; Column 3, lines 10-14; Column 3, line 37 ("upon command by a user"); Column 11, lines 36-

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38; and Column 15, lines 41-42.) Thus, the information which is ultimately displayed in the Mankovitz system is not provided in response to acoustically propagated data from a signal of a broadcast station, or indeed even in response to a radio signal from the station. Rather, it is retrieved from a memory and transmitted to the user in response to a user request.

To summarize, Mankovitz does not respond to acoustically propagated data, and does not display predefined information . Rather, if a user wishes to obtain further information about a television or radio program, he or she may request the information by performing a specific request procedure, such as pressing an appropriate key as illustrated in Figure 3. In response to the request, the local unit transmits SDT data to the central repository which are then matched to stored information by a mapping process, based on the station, date and time information thus provided. The appropriate items of further information are then made available, as requested by the user,

As can be seen from the foregoing description, the Mankovitz reference differs fundamentally from the present invention, in which a display means is activated to display predefined information in response to reception of predefined acoustically propagated data from a signal broadcast by a commercial broadcast source. (Claim 21.) Moreover, there is no teaching or suggestion in Mankovitz that acoustically propagated data, such as referred to previously or incorporated

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in an acoustic signal (that is, a sound signal which is capable of being heard) under which the acoustically propagated data have been digitally modulated.

In this regard, Applicants note that the Office Action refers to the Mankovitz specification at Column 9, line 36 through Column 11, line 50 and Column 13, line 49 through Column 15, line 47 as teaching a system in which predefined information are displayed upon reception of predefined acoustically propagated data broadcast by a commercial broadcast source. However, Applicants have carefully reviewed the cited portions of the specification, and respectfully submit that they do not teach or suggest such a system. In particular, the discussion at Column 9, line 3 through Column 11, line 50 relates to the structure and operation of the portable radio/recorder unit 100 (Column 9, line 37). Most specifically, the operation of the system is described at Column 11, lines 35-50, as noted previously, in which it is provided that the user must enter a "request" (by depressing a "BROADCAST INFO" key 112) in order to gain information regarding program material that are of interest. Moreover, the discussion at Column 13, line 49 through Column 15, line 47 describes the structure and operation of the central station, as well as the process by which information requested by a user are retrieved from a memory and sent back to the user. Nowhere in either of the cited segments of the specification, however, is there any disclosure which suggests that the system displays preset information in response to the reception of predefined acoustically propagated data broadcast by a commercial broadcast source. Indeed, there is no discussion

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of acoustically propagated data in Mankovitz. Nor would there be any use for such, since the system responds not to information received from the radio or television broadcast, but rather to a request from a listener who expresses a desire for more information regarding the currently broadcast material.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038819.49686).

Respectfully submitted,



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